

EXHIBIT 9
DATE 1/30/07
HB 251

EXPLANATION OF PROPOSED AMENDMENTS HOUSE BILL 251 As requested by Representative Ron Stoker

Prepared by Mary Phippen, Lobbyist, Mt. Magistrates Assn.

References: Letter prepared by Judge Carver, JP & City Judge, Stanford Mt. to Rep. Stoker

For: House Judiciary Committee Executive Action.

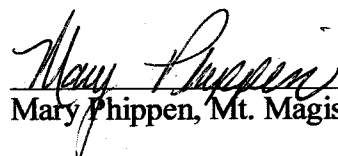
The first amendment on Page 1, Lines 28 & 29 removes the language "except that the judge of a city court of record **must** be trained in the rules of procedure and evidence.....etc." The language is being stricken as it may conflict with the current training of all Judges of limited jurisdiction. These judges must attend two (2) training session per year and must pass a certification test every four (4) years. These training sessions and the certification process are supervised by the Supreme Court. References to the training sessions and certification process can be found under 3-11-215, 3-11-204, and 3-1-1502.

The last sentence of the stricken language on Page 1, Lines 29 & 30 and Page 2, Line 1, refers to "a sitting judge in a city court not of record could sit in a city court of record after October 2007. Since the qualifications of the judge are not being changed this language is not needed, therefore it is stricken. In addition, this language was stricken from the original bill draft that discretionally created Justice Courts of record during the last Session.

The second amendment on Page 3, Line 2, is simply to add the words "or a city judge of record" for clarification.

The third amendment on Page 3, Lines 4 & 5 removes the requirement that **only a judge of record** may be called to act as a sitting judge. The problem in remote areas, such as Darby, is that no other person would be qualified to act as city judge. It is my understanding that as of January 1, 2007 only two (2) Justice Courts of record are available in Montana. Those are in Lewis & Clark and Cascade counties. The Justice Court in Flathead County may become a court of record in the near future. In addition, we do not know how many Municipal Court Judges would be available in small areas to act as a sitting judge. It is fiscally prohibitive to cities to pay time and mileage for someone to travel a couple of hundred miles to sit as a substitute judge for your city each time a sitting judge is needed. The amendments allow the current City Court Judge to decide who will sit as a substitute judge. That substitute judge must still meet the training requirements as stated before.

We would, therefore, respectfully request that the amendments be incorporated into the Bill. Thank you.


Mary Phippen, Mt. Magistrates Assn.